EXHIBIT 16

1	UNITED STATES DISTRICT COURT					
2	NORTHERN DISTRICT OF CALIFORNIA					
3	SAN JOSE DIVISION					
4						
	CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF(PSG)					
5						
	Plaintiff,					
6						
	v.					
7						
	ARISTA NETWORKS, INC.					
8						
	Defendants.					
9						
10						
11						
12						
13	* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *					
14						
15	VIDEOTAPED DEPOSITION OF PHILLIP REMAKER					
16	30(b)(6) FOR CISCO SYSTEMS, INC.					
17	Palo Alto, California					
18	Thursday, March 31, 2016					
19	Volume 1					
20						
21	Reported by:					
22	LESLIE JOHNSON					
23	RPR, CSR No. 11451					
24	Job No.: 2281749					
25	PAGES 1 - 216					
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2 FOR THE NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION	3 WITNESS EXAMINATION
3 SAN JOSE DIVISION 4	4 PHILLIP REMAKER
CISCO SYSTEMS, INC Case No : 5:14-cy-05344-BLF(PSG)	30(b)(6) for CISCO SYSTEMS
5	5 Volume 1
Plaintiff,	6 BY MR. WONG 8 7 BY MR. NEUKOM 212
6	8
v	9 EXHIBITS
7	10 PHILLIP REMAKER, 30(b)(6)
ARISTA NETWORKS, INC	11 NUMBER DESCRIPTION PAGE
8	12 Exhibit 429 Defendant Arista Network, Inc.'s 9
Defendants	Notice of 30(b)(6) Deposition of 13 Plaintiff Cisco Systems, Inc.;
9	33 pages
10	14
	Exhibit 430 Amended Exhibit F Document Index; 11
12	15 40 pages
13	16 Exhibit 431 Amended Exhibit F; 44 pages 14
14 * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *	17 Exhibit 432 Binder labeled "Bates Does Cited 15 in Cisco Rog Exhibit F," Volume 1
15 16	18 of 2
17 VIDEOTAPED DEPOSITION OF PHILLIP REMAKER, Volume 1,	19 Exhibit 433 Binder labeled "Bates Does Cited 15
18 taken on behalf of Defendant, at 601 California Avenue,	in Cisco Rog Exhibit F," Volume 2
19 Palo Alto, California, beginning at 9:30 a m and ending	20 of 2
20 at 4:14 p m, on Thursday, March 31, 2016, before	21 Exhibit 434 Binder labeled "Source Code Cited 15
21 LESLIE JOHNSON, Certified Shorthand Reporter No 11451	in Cisco Rog Exhibit F,º Volume 1 22 of 2
22	23 Exhibit 435 Binder labeled "Source Code Cited 15
23	in Cisco Rog Exhibit F," Volume 2
24	24 of 2
25	25
Page 2	Page 4
1 APPEARANCES:	I EXHIBITS (Cont)
2	2 PHILLIP REMAKER, 30(b)(6) 3 NUMBER DESCRIPTION PAGE
3 FOR PLAINTIFF CISCO SYSTEMS, INC.:	4 Exhibit 436 E-mail dated 1/12/99 from Phillip 40
· ·	Remaker to Carl Schaefer, et al ;
4 QUINN EMANUEL URQUHART & SULLIVAN LLP	5 Bates stamped CSI-CLI-00794351 to 95 6 Exhibit 437 E-mail dated 6/7/2003 from Shaubin 80
5 BY: JOHN (JAY) NEUKOM, ESQ.	Xie; Bates stamped CS1-CLI-00783473
6 50 California Street, 22nd Floor	7 to 81 8 Exhibit 438 Parser-Police Manifesto, version 6; 82
7 San Francisco, California 94111	8 Exhibit 438 Parser-Police Manifesto, version 6; 82 10 pages
8 (415)875-6600	9
9 johnneukom@quinnemanuel.com	Exhibit 439 CLI Design and Review Guide; Bates 85
10 FOR DEFENDANT ARISTA NETWORKS, INC.:	10 stamped CSI-CLI-02824651 to 719 11 Exhibit 440 E-mail thread, top e-mail dated 87
11 KEKER & VAN NEST LLP	7/8/2005, from Jain Dhaneudra; Bates
	12 stamped CSI-CLI-00807444 to 68 13 Exhibit 441 Interrogatory No 2 First Supplemental 98
12 BY: RYAN WONG, ESQ.	Response - Exhibit C; 3 pages
13 633 Battery Street	14
14 San Francisco, California 94111	Exhibit 442 Document entitled "Show Inventory 104 15 Command"; Bates stamped CSI-CLI-610102
15 (415)391-5400	to 610105
16 rwong@kvn.com	16
17 ALSO PRESENT:	Exhibit 443 E-mail dated 12/6/2002 from Eric 114 17 Osborne; Bates stamped CSI-CLI-777457
18 SEAN GRANT, Videographer	to 459
19	18 N. A. P. C. Francisco I. (192)
	Exhibit 444 Interrogatory No 2 First Supplemental 122 19 Response - Exhibit B; 102 pages
20	20 Exhibit 445 E-mail dated 25 June 2002 from Ilse 151
21	Van Hoeck; Bates stamped
22	21 CSI-CLI-00608702 to 703 22 Exhibit 446 E-mail dated 17 May 1999 from Liming 159
23	Wei: Bates stamped CSI-CLI-60866
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1 24	la.
24 25	24 25
24 25 Page 3	24 25 Page 5

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1	EXHIBITS (Cont.)	1	plaintiff.				
2	PHILLIP REMAKER, 30(b)(6)	2	· •				
1	NUMBER DESCRIPTION PAGE Exhibit 447 Plaintiff Cisco Systems, Inc.'s Seventh 164		certified court reporter please swear in the				
1	Supplemental Objections and Responses	1	witness.				
5	to Defendant Arista Network, Inc.'s	1					
_	Second Set of Interrogatories	5					
6	(No. 16); 50 pages Exhibit 448 Plaintiff Cisco System, Inc.'s Fourth 167	6	, in the second				
'	Supplemental Objections and Responses	7	, ,				
8	to Defendant Arista Network, Inc's	8					
9	First Set of Interrogatories (2 and 5); 44 pages	9					
1	Exhibit 449 Cisco's Response to Arista's 182	10	EXAMINATION				
	Interrogatory No. 16 Amended Exhibit	11	BY MR. WONG:				
11	D1 (IOS Release 11.0); 28 pages	12	Q. Good morning, Mr. Remaker.				
12	Exhibit 450 Exhibit E Exemplary Copying of Command 201 Responses; 27 pages	13	A. Good morning.				
13	100p011005, 27 pages	14	Q. Do you understand that you are testifying				
	Exhibit 451 Writing Command Line Interfaces (CLI) 204	15	under oath?				
14	and CLI Output; Bates stamped CSI-CLI-02607986 to 8010	16					
15	CSI-CLI-02007700 t0 0010	17					
	* * *	1	deposition yesterday. Do you understand that the				
16		l .	general rules for conducting a deposition are also				
17		t .	applicable today?				
19		21	**				
20		l					
21 22		22					
23		1	designated by Plaintiff Cisco to provide corporate				
24		\$	testimony under Rule 30(b)(6) today?				
25		25					
-	Page 6	ļ	Page 8				
1	Palo Alto, California, Thursday, March 31, 2016	1	(Exhibit 429 marked for identification.)				
2	9:30 a.m.	2	MR. WONG: Let's mark this as the first				
3		3	deposition exhibit. I believe we are on 429.				
4	THE VIDEOGRAPHER: Good morning. We're on	4	THE REPORTER: Correct.				
5	the record. The time is 9:30 a m. and the date is	5	BY MR. WONG:				
6	March 31st, 2016. This begins the videotaped						
1	The transfer of the contract o	6	Q. The court reporter has marked Exhibit 429,				
1		_	Q. The court reporter has marked Exhibit 429, a document that on its face says "Defendant Arista"				
8	deposition of Cisco Systems, Inc. pursuant to Rule	7	a document that on its face says "Defendant Arista				
1	deposition of Cisco Systems, Inc. pursuant to Rule 30(b)(6). My name is Sean Grant, here with our	7 8	a document that on its face says "Defendant Arista Network, Inc.'s Notice of Rule 30(b)(6) Deposition				
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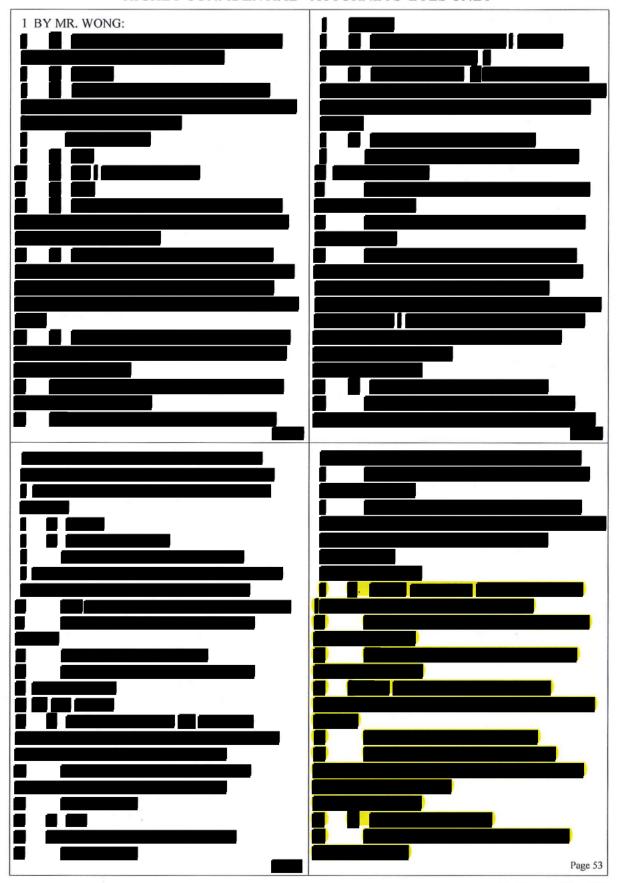
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12 (Pages 42 - 45)



14 (Pages 50 - 53)



15 (Pages 54 - 57)



17 (Pages 62 - 65)



18 (Pages 66 - 69)



19 (Pages 70 - 73)



2 works?

4 source code.

11 BY MR. WONG:

16 BY MR. NEUKOM:

19 corporate representative today?

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- MR. NEUKOM: Objection. Calls for a legal 1
- 2 conclusion. And it is well beyond the scope of
- 3 topics for which this witness is here today.
- THE WITNESS: I don't have an opinion
- 5 about that.
- 6 BY MR. WONG:
- Q. Based upon your answer, I would ask you,
- 8 what was the selection and creation process for
- 9 whatever it is you would delineate, but if you don't
- 10 know, then I can't ask you what the selection and
- 11 creation process was behind the command mode.
- 12 Well, let me just ask you that.
- 13 Do you know what the selection or creation
- 14 process was behind the "user exec" command mode?
- 15 A. I don't know.
- Q. Do you know what the selection or creation 16
- 17 process was behind the "privileged exec" command
- 18 mode?
- 19 A. I do not know.
- 20 Q. Do you know what the selection or creation
- 21 process was behind the "global configuration"
- 22 command mode?
- 23 A. I do not know.
- Q. Do you know what the selection or creation
- 25 process was behind the "interface configuration"

- Page 210
- 24 much time you spent learning information about the

23 you did in detail, why don't you just tell us how

Q. Just without -- without telling us what

25 origination of Cisco command line expressions prior

1 prompts are fixed within any of Cisco's copyrighted

A. I would presume they are fixed in the

6 modes are fixed in Cisco's copyrighted works?

9 And I'll take a standing objection for beyond the

10 scope on the where are they fixed line of questions.

Q. Subject to questions by your counsel, I

Q. Mr. Remaker, can you explain for us how

13 have no further questions of you, Mr. Remaker.

EXAMINATION

18 much time you spent preparing to testify as a

A. Including the response to the

21 interrogatory or just direct preparation?

A. I presume in the source code.

Q. And do you know where any of the command

MR. NEUKOM: Objection. Beyond the scope

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- 1 command mode?
- 2 A. I do not know.
- Q. Just to cover our bases, do you know the
- 4 selection or creation process behind the "user exec"
- 5 command prompt?
- A. I do not know.
- Q. Do you know the selection or creation
- process behind the "privileged exec" command prompt?
- A. I do not know.
- Q. Do you know the selection or creation
- 11 process behind the "global configuration"" command
- 12 prompt?
- 13 A. I do not know.
- 14 Q. And do you know the selection or creation
- 15 process behind the "interface creation" command
- 16 prompt?
- 17 A. I do not know.
- Q. And you understand that by "you" in those 18
- 19 questions, I'm asking you as Cisco's corporate
- 20 representative, correct?
- 21 A. Yes.
- 22 Q. And your answers are the same with that
- 23 understanding, correct?
- A. Yes. 24
- 25 Q. And do you know where any of these command

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- 1 to being a corporate representative today?
- 2 A. I spent three days preparing with counsel.
- 3 And prior to that spent dozens of hours in preparing
- 4 the responses to interrogatory No. 16 and
- 5 interrogatory No. 19 with the team of very senior
- 6 engineers.
- 7 Q. What documents did you review in
- 8 preparation to serve as a corporate representative
- 9 witness today, to talk about the historical
- 10 origination of Cisco command line expressions?
- A. I reviewed Exhibits 431, 432, 433, 434 and 11
- 12 435. I reviewed ---
- Q. Let me interrupt you right there because
- 14 you just listed off a number of exhibits. I take it
- 15 those exhibits that you just referred to, each of
- 16 them is a binder?
- A. Exhibit 431 is an index to the four 17
- 18 binders that are Exhibits 432 through 435.
- O. Okay. Given that when I asked you what
- 20 documents you looked at to prepare to testify today,
- 21 you identified exhibit numbers, I just want to make
- 22 sure the record is clear, because some of those
- 23 exhibits are compilations of numerous individual
- 24 documents.
- 25 Can you, to the best of your ability,

Page 213

_	estimate for us the number of documents the	1	REPORTER'S CERTIFICATION
	number of historical Cisco documents you reviewed to	2	I I adia I-lanca a Confident Shouthand
	prepare yourself to testify today as a corporate	3	I, Leslie Johnson, a Certified Shorthand
4	representative?	5	Reporter of the State of California, do hereby certify: That the foregoing proceedings were taken
5	A. Easily 60 to 100 documents.	1	before me at the time and place herein set forth; that
6	Q. And can you describe by category what	ı	any witnesses in the foregoing proceedings, prior to
7	sorts of documents you reviewed to prepare yourself	ı	testifying, were administered an oath; that a record of
8	to come testify today about the historical		the proceedings was made by me using machine shorthand
9	origination of Cisco command line expressions?		which was thereafter transcribed under my direction;
10		1	that the foregoing transcript is a true record of the
11	by engineers, source code, some e-mails, some	3	testimony given.
	internal web pages, and the deposition of Kirk		Further, that if the foregoing pertains to
	Lougheed.	13	the original transcript of a deposition in a Federal
14			Case, before completion of the proceedings, review
	Cisco who knows more about the historical creation		of the transcript [] was [] was not requested.
			I further certify I am neither financially interested in
	of the 500-plus command line expressions identified	ı	the action nor a relative or employee of any attorney or
	in Exhibit 431, other than you?	ı	any party to this action.
18		19	IN WITNESS WHEREOF, I have this date
19			subscribed my name.
20	• 111	20	Dated: April 15, 2016
21	THE VIDEOGRAPHER: This concludes today's	21	•
22	videotaped deposition of Cisco Systems, Inc.	22	
23	pursuant to Rule 30(b)(6).	23	deslee Johnson
24	We're off the record at 4:14 p m.	24	LESLIE JOHNSON
25		25	CSR No. 11451, RPR, CCRR
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	TAPAY AR ARTANIAR DEPARTMENT OF DEPARTMENT		
1	DECLARATION UNDER PENALTY OF PERJURY		
2			
3	I, PHILLIP REMAKER, the witness herein,		
	declare under penalty of perjury that I have read the		
5	foregoing in its entirety; and that the testimony		
6	contained therein, as corrected by me, is a true and		
7	accurate transcription of my testimony elicited at said		
8	time and place.		
9			
10	Executed this day of 2016, at		
11			
12	(City) (State)		
13	·		
14			
15			
16			
17			
18	PHILLIP REMAKER		
	PHILLIP NEWWIEN		
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